IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4764 OF 2006

Ashok Lakshaman Vibhute .. Petitioner.
Vs.
Chhabubai @ Ratnaprabha
and Others .. Respondents.

Mr.P.G.Chavan for the petitioner.

CORAM : D.B.BHOSALE, J.
DATED : 9TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. By this writ petition, the petitioner has challenged the order dated 17.3.2006 passed by the trial Court rejecting his application at Exhibit-38, by which he had prayed for framing an additional issue. Mr.Chavan, learned counsel for the petitioner vehemently submitted that the issues, as suggested by the petitioner, are necessary for determination of the real controversy between the parties. I perused the order and in particular paragraph 6 and 7 thereof. Keeping the reasons recorded therein in view and considering the provisions of Order 14 Rule 5 of CPC, I am not inclined to interfere with the order impugned in the present writ petition under Article 227 of the Constitution of India. Hence the writ petition is dismissed.

(D.B.Bhosale, J.)